

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

TERRY DAVIS

Plaintiff,

v.

Case No.

READY BUS COMPANY, INC.,

AND

MINNESOTA COACHES, INC.,

AND

TODD LAPEL.,

Defendant.

NOTICE OF REMOVAL

Defendant READY BUS COMPANY, INC., by and through counsel, hereby gives notice of removal of the above action from the Circuit Court of Arlington County, Virginia ("Circuit Court"), to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Ready Bus Company, Inc., states as follows:

1. There is pending in the Circuit Court of Arlington County, Virginia, a Complaint styled Terry Davis v. Ready Bus Company, Inc., et al., Case No. CL19000383-00 (the "State

Court Action”). The Complaint in the State Court Action was filed on or about February 6, 2019. A copy of the Complaint is attached hereto as Exhibit A.

2. Upon information and belief, the State Court Action was served on Defendant Ready Bus Company, Inc., on February 26, 2019, through the State Corporation Commission.

3. Defendant Ready Bus Company, Inc., filed an Answer to the Complaint on March 14, 2019, in the Arlington County Circuit Court. In addition, Defendant Minnesota Coaches, Inc., filed an Answer to the Complaint on the same date. Upon information and belief, no service has been made upon Defendant Todd Lapel. No further proceedings have been had in the State Court Action. Copies of the above referenced responsive pleadings are attached respectively as Exhibit B, and Exhibit C.

4. This Notice of Removal is filed within thirty days of the date upon which Defendant Ready Bus Company, Inc., first received a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Plaintiff Terry Davis’ residence is not plcd in the Complaint, however, Defendant Ready Bus Company, Inc., is informed and believes that Plaintiff Davis, is an individual residing in the State of Maryland based on information from the Police Crash Report.

7. Defendant Ready Bus Company, Inc., is incorporated under the laws of the State of Minnesota with its principal place of business in Hastings, Minnesota.

8. Defendant Minnesota Coaches, Inc., is incorporated under the laws of the State of Minnesota with its principal place of business in Hastings, Minnesota.

9. Defendant Todd Lapel is a resident of the State of Iowa.

10. Plaintiff's Complaint seeks damages from the Defendants in the amount of \$500,000.00


11. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff Terry Davis and Defendants Ready Bus Company, Inc., Minnesota Coaches, Inc. and Todd Lapel, and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

12. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the clerk of the Circuit Court of Arlington County, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Ready Bus Company, Inc., respectfully requests that this case proceed before this Court as an action properly removed.

By:

READY BUS COMPANY, INC.


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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was filed using the CM/ECF system and mailed, first class, postage prepaid, this 18th day of March, 2019, to

M. Thomas McWeeny, VSB #72204
Koonz, McKenney, Johnson, DePaolis & Lightfoot
10300 Eaton Place, Suite 200
Fairfax, Virginia 22030

Paul Ferguson, Clerk
Arlington County Circuit Court
1425 N Courthouse Rd
Suite 6700,
Arlington, VA 22201


Edward P. Trivette